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UNCLAS SECTION 01 OF 02 PRETORIA 001256

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SENSITIVE

E.O. 12958: N/A

TAGS: [EAGR](#) [ETRD](#) [SENV](#) [TBIO](#) [SF](#)

SUBJECT: SOUTH AFRICA: BIOSAFETY UPDATE

REFS: 04 PRETORIA 5345

SENSITIVE BUT UNCLASSIFIED, PROTECT ACCORDINGLY

[11.](#) (SBU) Summary: Recent biosafety developments and policy decisions in South Africa raise the possibility that local conditions for the approval and use of agricultural biotechnology and genetically modified organisms (GMOs) may worsen. A recent judicial ruling supported greater transparency and disclosure of information in GMO decision-making, but criticized the petitioner, an anti-GMO lobby group, for its overly vague demands for information. End summary.

//Regulatory requirements increasing; some questioned//

[12.](#) (SBU) Collaborators in a USAID-sponsored project to commercialize a genetically modified, pest-resistant ("Bt" - named for the bacterium, "Bacillus thuringiensis" that provides the gene that is toxic to certain insects) potato variety in South Africa told mission officers on March 18 that the South African GMO Executive Council's requests for supporting data and information had expanded significantly in 2004, to include environmental studies on non-target organisms, nutrient cycling, microbial diversity, and soil micro-organisms. In response, project researchers from South Africa's parastatal Agricultural Research Council and Michigan State University have begun field studies in many of these areas, but they plan to argue that there is no scientific basis for the expensive and time-consuming soil microbial studies. The researchers also plan to gather data to show the ecological impact of the Bt potato compared to a conventional potato grown with normal applications of pesticide. Prevailing GMO regulations also ask applicants to provide an assessment of the socio-economic-cultural impact of any proposed GMO use, with no further specifics. The Bt potato project researchers intend to carry out studies on the compatibility of the crop with the cultural heritage and beliefs of farmers, and studies on the impact of BT technology on the ethics of farmers. While it is acceptable that key socioeconomic issues related to the introduction of any new crop (Bt or otherwise) should be reviewed and taken into account, the researchers have planned a very extensive analysis, in anticipation of increasing demands by the regulators. A Syngenta representative attending the Bt potato project meetings told EST Officer that the additional data requests being made of all recent applicants for GMO approvals in South Africa were a direct result of lobbying by a small group of anti-GMO activists, whose main interest was to delay and subvert the approval process, rather than promote biodiversity.

[13.](#) (SBU) Comment: The Bt potato project has the potential to introduce the first public sector-supported, locally researched and developed genetically modified food crop in Africa. The South African GMO regulator's growing demands for additional data and research on environmental impacts (and possibly socio-economic impacts, in the future) could ultimately raise costs to a point that commercialization of the potato will not be feasible. It is significant that the project managers have decided to argue with the GMO regulators on certain additional information requests, partly because they do not want to "set the bar too high," particularly for future public sector-funded projects. End comment.

//Regulatory decision against third country field-test//

[14.](#) (U) The GMO Executive Council reportedly turned down a request from Dow Agrosiences to test genetically-modified maize for purposes of gathering information for use in European Union GMO registrations. According to a February press release by the anti-GMO lobby group African Centre for Biosafety (ACB), the Department of Environmental Affairs and Tourism raised concerns about the potential impact on non-target organisms. The ACB had submitted objections to the application, noting Dow's failure "to address the impacts of

GM maize on non-target organisms, the emergence of superweeds and the persistence of Bt toxins in the environment." The ACB also "expressed outrage" at Dow's attempts to use South African land for field trials, treating South Africa as its "guinea pig."

//Environmental advisors are non-scientific "experts"//

15. (SBU) In late February 2005, the Minister of Environmental Affairs and Tourism announced the establishment of a National Environmental Advisory Forum (NEAF) to provide the Minister with strategic advice on environmental management issues from a wide range of stakeholders. The NEAF consists of representatives from business, non-governmental organizations, community-based organizations, labor, and youth. The Minister also appointed four NEAF representatives with "specialized skills," including Mariam Mayet of the African Center for Biosafety, one of several active anti-GMO lobbying groups in South Africa. Ms. Mayet is not a scientist and used to serve as legal advisor to Biowatch (see para 6 below). The Environmental Justice Networking Forum is one of four NGO representatives on the NEAF. EJNF organized a noisy protest outside a November 2004 seminar on Food Aid and Biotechnology, organized by the NGO AfricaBio for USAID, and supported by State/EB. There are no academic/scientific representatives with expertise in agricultural biotechnology on the NEAF. Comment: We anticipate that NEAF recommendations to the Environmental Minister on any GMO case would be negative or would demand additional field data and research on environmental impacts, not always with a scientific basis. End comment.

//Court decision favors transparency//

16. (SBU) The Pretoria High Court, responding to a petition from anti-GMO group Biowatch, on February 24 affirmed the group's constitutional right to access some information about GMO approvals. The Court ordered the South African government to divulge certain details of all permits and authorizations granted for GMO imports, exports, field trials and general releases. Importantly, the Court also ruled that proprietary research data contained in the permit applications and precise locations of field trials need not be publicly released. U.S.-based Monsanto and two other U.S.-based seed companies were also cited as respondents in Biowatch's petition, despite Monsanto having volunteered to make the information from its GMO applications available to Biowatch. While Biowatch called this ruling a "victory", it is noteworthy that the judge censured Biowatch for the "inept manner" in which it sought access to information from regulators. Monsanto lawyers termed Biowatch's tactics as a "fishing expedition." The judge noted how Biowatch's approach compelled Monsanto and the other two respondent firms to come to court to protect their interests, and in response to a request made by Monsanto, he ordered Biowatch to pay all court costs incurred by Monsanto South Africa. Biowatch announced on March 18 that it was planning to appeal the ruling on payment of Monsanto's legal costs. Comment: The GMO Registrar, Executive Council and Minister of Agriculture likely contested Biowatch's petition for access because of the added workload the multiple demands for information placed on an already overburdened staff. The court's decision certainly adds to the workload of the GMO regulators, and may slow the entire approval process.

FRAZER